

Application No. 10/008,295
Response to 09/23/2005 final Action

Attorney's Docket No. 0220-085

REMARKS

Claims 1, 3-7, 9-12, and 15 are pending.

Claims 1, 3, 6, 7, 9, 12, and 15 stand rejected for obviousness over a combination of U.S. Patent No. 6,728,685 to Ahluwalia ("Ahluwalia") and U.S. Published Patent Application No. 2003/0149640 to Fisher et al. ("Fisher"). Remaining claims 4, 5, 10, and 11 stand rejected for obviousness over a combination of Ahluwalia, Fisher, and "Presence Technology to Make Its Debut Shortly".

http://www.mobileinfo.com/News_2001/Issue25/Presence_tech.htm ("Presence").

These rejections cannot stand at least because no combination of the cited documents discloses or suggests all of the features required by the pending claims, and thus no combination of the cited documents supports a *prima facie* case of obviousness.

Claim 1 for example recites the step of "providing to a shopper, via a communications network, an electronic purchase order having an opportunity to select a notification option and provide electronic purchasing information, wherein the notification option, if selected, indicates that the shopper desires to be contacted if a triggering event that affects the performance of delivery occurs".

Page 2 of the final Action admits that "Ahluwalia does not explicitly show that the notification is to be in the case of a triggering event; recognizing the occurrence of the triggering event; and notifying the shopper that the triggering event has occurred."

Page 3 of the Office Action mailed on April 6, 2005, admitted that Fisher fails to teach "notifying the shopper of the triggering event only if a notification option has been selected". This admission was noted on page 9 of the Reply filed on July 6, 2005.

Because Ahluwalia and Fisher fail to teach the same feature of the pending claims, these documents cannot meet the requirements of a *prima facie* case against claims 1, 3, 6, 7, 9, 12, and 15, and thus the obviousness rejections of these claims must be withdrawn.

The Presence document is directed to various automated methods for communicating with a person using the person's status, communications capabilities, and preferences at any particular moment, but Presence also fails to teach or suggest

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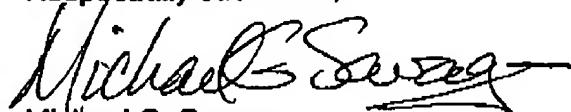
the features missing from Ahluwalia and Fisher. Thus, the obviousness rejections of claims 4, 5, 10, and 11 must also be withdrawn for lack of a *prima facie* case.

If the Examiner has any questions, the undersigned attorney may be telephoned at the number given below.

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Respectfully submitted,


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